

BEFORE THE
SURFACE TRANSPORTATION BOARD

EX PARTE NO. 656

MOTOR CARRIER BUREAUS – PERIODIC REVIEW PROCEEDING

COMMENTS OF THE
NATIONAL BUS TRAFFIC ASSOCIATION, INC.

ENTERED
Office of Proceedings

MAY 24 2005

Part of
Public Record

Richard P. Schweitzer
Craig M. Cibak
RICHARD P. SCHWEITZER, P.L.L.C.
1776 K Street, N.W.
Suite 800
Washington, D.C. 20006
(202) 223-3040

Attorneys for National Bus
Traffic Association, Inc.

May 24, 2005



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**EX PARTE NO. 656
MOTOR CARRIER BUREAUS
PERIODIC REVIEW PROCEEDING**

**COMMENTS OF THE
NATIONAL BUS TRAFFIC ASSOCIATION, INC.**

Pursuant to the Board's Request for Comments dated December 13, 2004 regarding its periodic review of motor carrier collective-activities agreements previously approved under 49 U.S.C. 13703, the National Bus Traffic Association, Inc. ("NBTA"), requests that the Board grant its request to continue NBTA's collective-activities agreement.¹ NBTA's bureau agreement has not changed since the Board's most recent decision. NBTA's agreement, therefore, remains in the public interest and should be renewed accordingly.

BACKGROUND

NBTA is the national rate bureau for the intercity bus industry. In a decision dated May 13, 2002, the Board approved NBTA's most recent application for renewal of its rate bureau agreement. As the Board pointed out in that decision, the NBTA does not establish collective fares for passengers on member companies' buses. Each NBTA member company sets their own fares. Rather, through NBTA, its members establish rules relating to transporting bus passengers, and charges and rules relating to handling baggage and express packages.

NBTA's rules for the transportation of bus passengers relate to a number of areas without setting fares for any individual company. The rules relate to through fares from a list of point-to-point fares and for circle tours; discounting children's fares off of adult fares; the length of

¹ Concurrent with these Comments NBTA is submitting a Motion for Leave to File Out of Time.

effectiveness for tickets and procedures for redemption if a ticket is not used; restrictions on a change of routes or destination and a general rule on interchangeability of tickets (“next-bus out” service); stopovers en route; limits on reservations and seating arrangements; declining liability for delays caused by accidents, breakdowns, storms, etc.; non-guarantee of service during off seasons; refusal to transport objectionable passengers; transportation of animals; immigration procedures at the Canadian and Mexican borders; purchasing exclusive occupancy of coaches; resolution of disagreements over fares; constructing “open gap” fares; and special party fares.

NBTA has established rules relating to checking bags; interlining baggage; prohibited articles for transport; liability limits for lost or damaged baggage; charges for excess baggage and for storage; and exceptions for intrastate operations. Regarding express packages, NBTA sets rates for their transportation, with three alternative rate tables for member companies to adopt. NBTA also sets liability limits for loss or damage to express packages, as well as released rates for loss or damage based on the fare charged to the shipper.

ARGUMENT

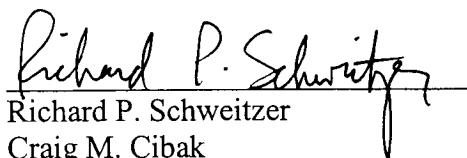
Continuation of NBTA’s bureau agreement and antitrust immunity is in the public interest. First, the NBTA agreement does not set fares. Each individual NBTA member sets their own fares for bus passenger transportation. Second, it is far more efficient for small member bus companies to develop operating procedures using the rules established by NBTA than for those companies to use their limited resources to develop those procedures on their own. These operating efficiencies allow bus operators to reduce costs in an ever more competitive market, in which all bus operators must compete with low-cost airlines, heavily subsidized passenger rail service, and private automobiles.

Collectively established rules regarding through routes and fares, liability limits, charges for baggage and express package transportation, and other items allows bus operators to reduce costs, allowing them to compete more effectively and give consumers a greater choice of transportation modes at lower costs. Without the antitrust immunity afforded by approval, some of the activities engaged in by NBTA's members may violate antitrust laws. In light of the potential for antitrust violation, and the increased cost efficiencies to be gained from collectively established rules, renewing NBTA's collective activities agreement is in the public interest.

CONCLUSION

The activities conducted by NBTA members pursuant to the agreement set forth as Section 5a Application No. 9 (Amendment No. 8) are in the public interest. Because there has been no change in the circumstances relating to NBTA's agreement, the Board should approve NBTA's request for renewal of its bureau agreement for the reasons stated in its most recent approval.

Respectfully submitted,


Richard P. Schweitzer
Craig M. Cibak
RICHARD P. SCHWEITZER, P.L.L.C.
1776 K Street, N.W.
Suite 800
Washington, D.C. 20006
(202) 223-3040

May 24, 2005